

# THE ALLIANCE

A Maricopa County Environmental Health Publication

## From the Desk of David Ludwig

MPH, R.S., Maricopa County Environmental Health Division Manager

Volume 2, Issue 1  
July 2002

Edited by:  
Darcy Brondt, R.S.

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### The Heat is Up!

Depending on your perspective, this could mean a number of different things in Maricopa County! Obviously, we could be talking about the temperature outside or maybe some of the new food code cooking temperatures. If you are a manager or owner of an establishment, it might be the "heat" that you are feeling from the new critical violations noted on your last inspection. To help you to reduce that "heat," (just don't call me The Iceman), I will give you some insight on the most frequently marked critical violations since the adoption of the new code:

### Coming in at #5 – Limiting Bare Hand Contact with Ready to Eat Foods – found 7.83% of the time in all inspections.

This challenge can be met by utilizing non-latex gloves, tongs, utensils or deli wraps

when working with foods that will not undergo further cooking or reheating prior to service. A bare hand contact exemption can be applied for if policies and procedures are adequate to prevent contamination by the hands (contact Jaime Viñarás at 602-506-6972 if you think you might qualify).

### #4 – Certified Food Service Manager – 7.9% of the time.

A Maricopa County Certified Food Service Manager requirement has been on the books since January 1<sup>st</sup> 2000, and it is now a critical violation. Check out our web page at <http://www.maricopa.gov/envsvc/ENVHLTH/FDWKR.asp> for more information if your establishment does not have a Certified Food Service Manager on staff.

### #3 – Toxic Items – 10.32% of the time.

This is a simple critical violation to correct – label those chemical bottles and store them separately from all food products. Chemicals are needed for cleaning and sanitizing around the kitchen, but no one wants these chemicals to accidentally find their way into food.

### #2 – Food Contact Surfaces Not Clean – 10.79% of the time.

This is not the dirt or grease

from the previous meal, but the dirt or grease that has built up over time and can contribute to foodborne illness if the food contact area is not cleaned and sanitized on a routine basis. This is not a new item in food service and is one that an establishment with a good "clean as you go" policy will always be in compliance with.

### And #1 (drum roll optional) – Date Marking – 18.19% of the time.

Now this is a new code item, which requires that all ready-to-eat potentially hazardous foods once opened or prepared have a date mark indicating the date they are to be used by. This date is dependent upon the temperature of your refrigeration unit – below 41°F then 7 days, between 41° - 45°F, 4 days.

It should be noted that in any given week, 25% of all inspections have no critical



violations and 12% have no violations. I applaud the effort of those operators!!

Now that you know how to reduce the "heat" of critical violations on your inspection, enjoy the summer!

# What You Should Know About Our Enforcement Procedure

*By Mike Lemon, R.S.  
Eastern Regional Office Manager*

I am sure you are aware by now that Maricopa County has adopted a new food code. Along with this code change, came many changes in violations, critical items, temperature requirements, and bare hand contact restrictions, just to name a few. These items have been addressed in previous newsletters and in person by your environmental health specialist (health inspector). But what you may not be aware of are the changes to our enforcement policy caused by the requirements of the new code. I will attempt to outline the process here and hope you never have to experience it.

Since enforcement mainly centers around repeat critical violations, I thought I would first explain just what a critical violation is. You will notice on your inspection reports each violation item has a weight. Those items that carry a weight of five points are the critical ones. The new food code defines a critical item as one that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or an environmental health hazard.

The new food code also requires that critical violations be corrected at the time of inspection whenever possible. However, we can allow up to 10 days for correction depending on the severity and the hazard involved. A re-inspection is required within 24 hours after the deadline for correction has passed. The new code also requires that enforcement action begin the first time a critical violation is repeated. The very beginning of the enforcement process is called **warning status**. This warning statement below is added to the end of your inspection report if you have a repeat critical item:

**WARNING:** Due to repeated, severe, and/or numerous violations noted on this inspection legal action is being initiated. Failure to permanently correct

*violations noted on this inspection may result in probation and/or closure of your establishment.*

A repeat critical violation is one that appears on an inspection or re-inspection which immediately follows the inspection on which it was first written. A violation that is corrected at the time of inspection or is corrected on re-inspection is still considered a repeat violation if it appears on the next comprehensive or routine inspection.

The next step in our enforcement process begins if a violation is repeated a second time (it is noted on a third inspection or re-inspection). This step is called **probation**. Your inspector will add this statement to the end of your inspection:

*Maricopa County policy requires that an establishment, which fails to correct repeated violations, will be placed on probationary status. Failure to permanently correct repeated violations while on probation will result in legal action to permanently revoke your permit to operate this food establishment.*

Your inspector's supervisor will review the inspection report and the legal action request. If the supervisor agrees with the request, it will be forwarded to our division manager who will also review the request. If he agrees to proceed, you will receive written notice via the mail that you are being placed on probationary status for a period of six months. What this means is that if the same violation occurs again during that six month period we will take action to revoke your permit to operate.

My advice to you is if you are placed on probationary status speak to your inspector and find out exactly what you need to do to come into compliance. Keep the lines of communication open. We certainly do not enjoy taking legal action and would like to avoid the next step if at all possible.

After probation, the next step in the

enforcement process is called **permit revocation**. While on probationary status you repeat the same violation again or have other serious or repetitive critical violations, your inspector will add a comment to your inspection report that indicates immediate legal action is being requested to revoke your permit to operate a food service establishment. He/she will call the office to request a supervisor come out to witness and verify the violation(s). You will then receive a notice from the Director of the Environmental Services Department notifying you that your permit shall be revoked at the end of twenty days following service of the notice. Once a notice of revocation is served, a department representative will post a sign in the front window of your establishment to notify the public of the action pending against your permit. From this point you have three choices.

The first choice, and the most common one, is to correct the serious and/or repetitive violations at once and contact our Legal Liaison's office. At that point you may sign a Stipulation and Order which is a legal document stating that



the violations have been permanently corrected and your establishment will remain free of serious or repetitive violations for six months. During

that period you will receive an increased inspection frequency by a field supervisor. If the serious or repetitive violation(s) recur, your right to a hearing is waived and your permit will be immediately revoked. You must close your business until you correct all violations, upgrade all facilities and equipment to meet current code standards, apply for a new permit (which may require the submission of plans) and receive a new permit to operate.

Your second choice after receiving the

*(Continued on page 6)*

# Procedures in the Event of a Power Failure

*By Ken Conklin, M.P.A., R.S.  
Western Regional Office Manager*

Last August, severe storms occurred in the southwestern portion of Maricopa County. The storms left the greater Gila Bend area without electricity for several days prompting a state of emergency. A special survey of the area revealed that our permitted establishments had voluntarily closed or rented emergency generators and/or refrigerated trailers to resume their operations and reopen.

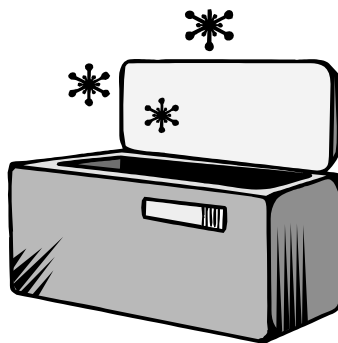
This July a similar storm left much of central Phoenix without power, and the monsoon season is just getting underway. It is inevitable that somewhere, someplace in Maricopa County, there will be power failures. There may even be "rolling black-outs," as experienced in parts of California last summer. As operators of food establishments, you should be prepared for the potential loss of electrical power. Hopefully, such occurrences will be short and not have a damaging impact on your business. You must be prepared, however, if the outage lasts longer than a few minutes or hours. Be aware that power outages may also affect other utilities such as your potable water service.

So what steps should you take when the power goes out? Here are some tips:

- In the event of an extensive outage, the establishment must cease operations and close. The operator also must notify the Environmental Health Division of the problem.
- It is important to keep all refrigerator and freezer doors closed. Most units will be able to maintain cold temperatures for some time. If you know that a bad

storm is headed your way, turn your refrigerators and freezers to a lower setting. This way if the power goes off the units may stay colder for a longer period of time.

- The key foods requiring refrigeration are those that are "potentially hazardous." Such foods include, but are not limited to, raw and/or cooked meat; fish and poultry; cooked vegetables; dairy products; eggs and egg dishes; soft cheeses etc. Such foods are required to be held at 41 degrees Fahrenheit or less or



45 degrees Fahrenheit or less (for existing equipment not capable of maintaining food at the lower temperature). Frozen foods are required to remain frozen. If refrigerated foods rise above 45 degrees Fahrenheit for greater than four hours, they must be discarded. \* If frozen foods completely thaw out (above 45°F), the operator has the option of using or cooking the food, but refreezing is not permitted. \*\*

- If the power outage is severe and the outage is suspected to be long, it is advisable to check with your health inspector. There are options such as emergency generators and contracting with companies who may provide refrigerated semi trailers powered

by such generators. Another option, although limited, is to use ice to help keep the food cold. If ice is used, it cannot be stored in direct contact with the food, unless the food is packaged in a manner to prevent water infiltration. Such ice shall not be used for consumption. You may also use dry ice in a freezer or in a cooler next to food. Be careful to follow the necessary precautions with dry ice.

- Semi-perishable foods such as fruits and raw vegetables, may be stored above 50 degrees Fahrenheit for an extended time but should be checked for appearance, odor, color and texture before consumption.
- Use a metal stem food thermometer to monitor your food temperature. Probe the geometric center of the food.
- Remember the rule: "when in doubt, throw it out." If food products are questionable, it is always better to be on the safe side and discard them. Unlike some fruits and vegetables, appearance, odor and taste cannot be relied on as safe indicators for potentially hazardous food.

In conclusion, as operators you should start preparing for potential power outages now. You can accomplish this by following these few simple rules and by having a plan in place before the lights go out again. If you have any questions, feel free to contact your district health inspector.

\* Refer to Section 3-501.19 of the Health Code for guidance.

\*\* Refer to Section 3-501.13 (C), (D) of the Health Code for guidance.

# Espresso Vendors

By Amro A. Amro, M.P.H., R.S.  
Mobile Food Program Coordinator

In recent years there has been a massive proliferation of mobile espresso cart vendors in Maricopa County. What is a mobile espresso cart vendor, or for that matter, what is espresso?

You may see the term "espresso" used in a number of ways. The most common usage is in reference to a concentrated, aromatic, and flavorful beverage brewed from coffee beans (espresso is usually brewed with only about one-fourth the amount of water per serving as is commonly used in drip coffees). The other distinguishing characteristic of espresso is that each cup is brewed separately for immediate consumption, rather than being brewed in quantity and allowed to sit.

Within the industry, the term "espresso" is often used in a broader context, and may refer to:

1. The brewing method (which uses pressure instead of gravity to brew).
2. The special blend of beans formulated for espresso machine use.
3. The roast color of the beans in the blend (which is a dark roast).

While the preceding offers a general description and definition of espresso, one should note that a wide variety of coffee drinks are prepared using the espresso brewing method.

Espresso brewing processes have been around since the early 1800's, having first been invented in Europe. The process was introduced to the United States in the early 1900's, but popularity largely lagged until the early 1970's. About that time, coffee roasters in Seattle and Los Angeles began to educate the American coffee-drinking public in the culture of "gourmet coffee." Still, it was probably not until the late 1980's that Seattle was dubbed "Coffee Capital of the Country" or, as Seattleites would more commonly attest, "Latte Land."

While numerous coffee houses and a few espresso bars existed in Seattle as in all American cities, a revolutionary and interesting phenomenon began when an entrepreneur placed a cart on a street corner in downtown Seattle and began selling freshly made espresso drinks sometime in the 1980s. By 1990, Seattle experienced an explosion of "copy-cat" entrepreneurs, and as of this writing, it seems there is an espresso business on every street corner. Espresso businesses are no longer unique to Seattle; they have quickly expanded up and down both the West and East coasts, and according to a media representative, are now breaking new ground in the Midwest. In addition, these businesses are not unique to



downtown urban settings. They have proliferated throughout metropolitan areas and spilled over into suburban areas and smaller towns at an incredible rate.

Early vendors in Maricopa County used carts, that were similar to hot dog, soft drink, popcorn, and other street vendor carts that have been operated in cities across our country for decades. Early versions of the espresso cart generally had two large wagon wheels at one end and were usually stationary at the opposite end. The carts were approximately six to eight feet long, about 24 to 36 inches wide and about four feet in height. Equipment located in and on top of the cart consisted of the espresso brewer and grinder, and an array of flavorings and supplies. The county health permit requirements stipulated that there be both hot and cold running water, refrigerator, appro-

priate electrical service, and provision for waste disposal. These items were easily incorporated into the body of the cart.

In recent years, a product called "granita" has been added by many vendors. Granita is an iced-coffee drink similar to "slurpee" or "slushie" type soft drinks. It is generally mixed in a special granita machine which is usually located on top of the cart.

As the industry has grown, the traditional wagon wheel style of cart has largely given way to more modern carts that are increasingly more functional -- and expensive.

Perhaps the final, or at least most recent, stage of industry development has been the incorporation of espresso carts in other established businesses including hospitals, supermarkets, convenience stores, filling stations, fast food and other restaurants and cafes, department stores and shopping malls, and specialty espresso cafes. There is even an instance of a doctor who operated an espresso cart in a medical facility!

It is estimated that the total number of permitted espresso carts exceeds 100 vendors in Maricopa County.

## References:

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- Sturdivant, Shea, *Espresso! Drinks, Desserts and More*, Freedom, CA : Crossing Press, c1991.
- Tekulsky, Matthew, *Making Your Own Gourmet Coffee Drinks*, New York: Crown Publishers, c1993.
- Mariano, Bernard N., *In Search of the Espresso Secret*, Crema, Chicago, IL: Trendex International, c1991.
- Barbieri, Heather Doran, *Seattle Emergency Espresso*, Alaska: NW Books, c1992.

## Permanent Outdoor Grilling Changes

*By Darcy Brondt, R.S.  
Special Projects Coordinator*

The cooking of foods outdoors and the enjoyment of outdoor food events is part of a long-standing tradition in this country and worldwide. Today, across the United States, many food operators and consumers wish to continue providing and enjoying outdoor cooking and dining experiences.

According to the most recent round of published data by the Centers for Disease Control and Prevention (CDC), between 1988 and 1992 the most commonly reported contributing factors related to foodborne diseases were improper holding temperatures, poor personal hygiene, inadequate



cooking, contaminated equipment, and food from unsafe sources.

Regardless of whether food is cooked outdoors

or indoors, these factors must be controlled in order to ensure the safety of the foods being prepared and served.

Permanent outdoor cooking operations present unique challenges associated with the type of cooking equipment and infrastructure proposed to be utilized outdoors, including adequate access to utilities at the outdoor site. Nevertheless, outdoor cooking operations can, and are, being done safely when performed in accordance with well-defined regulatory standards that are established to control and minimize the contributing factors of foodborne disease identified above.

Establishments whose current or future outdoor grilling operations span beyond just the grilling of meat, must submit a set of plans and obtain approval from our plan review program consistent with the criteria provided in Chapter VIII, Section 2, Subsections 8-201.11 and 8-201.12 of the Maricopa County Environmental Health Code and as outlined in our Plan Re-

view Guide to Permanent Outdoor Cooking Operations. To obtain more information on submitting plans or obtaining a plan review guide, contact our Plan Review Program at 602-506-6980.

In the near future, our environmental health specialists will be visiting food establishments with outdoor cooking operations and we may be requesting that plans be submitted in a timely manner. There will be a fee associated with the plan review process and some establishments may need to modify their operations and equipment to achieve compliance.

We ask for your cooperation and patience during this process and we hope that you will share our goal of providing a safe dining experience.

*Reference: Recommended Guidance for Food Establishments with Permanent Outdoor Cooking Operations, Conference for Food Protection, Council 1, Jan. 2002 Revised Edition.*

## Caveat Emptor! (Buyer Beware!)

*By Adam Kramer, R.S.  
QA/QC Chain Food Coordinator*

Ever since ancient times, consumers have had to be aware of what they were purchasing. With the recent changes in the Food Code, some advertising and marketing has created confusion for some restaurant operators.

Most food operators were used to equipment having to be NSF approved; with the new code it has to be ANSI (American National Standards Institute) approved. ANSI is an umbrella organization for standards that certifies other organizations to say that a product meets an acceptable standard. For instance,

ANSI approves NSF to evaluate whether a certain piece of equipment would meet sanitary requirements. Once NSF deems it to have met the requirement, then the piece would be ANSI approved since ANSI would accept NSF implementation of the standards.



There has also been some confusion about the bare hand contact exemption. To obtain this exemption, the operator must apply to this division in advance of using bare hands with ready-to-eat foods. Our division has no approval of a commercial hand-

washing system or product that provides an automatic exemption. Some commercial systems would help in the application for the exemption, but it would not guarantee an exemption being issued. The exemption is based on the food safety system in place at an establishment. If an exemption has been granted, a letter and placard will be mailed to the establishment. The placard must be placed in a visible location for your consumers.

If you have questions about these items or any other food safety related questions, call your district inspector or the main number at 602-506-6970.

## What You Should Know About Our Enforcement Procedure

*(Continued from page 2)*

notice to revoke your permit, if you believe you have been wrongly accused, is to request a hearing during those twenty days. A hearing officer appointed by the director of the Environmental Services Department will conduct the hearing. All hearings will be conducted in accordance with requirements of A.R.S. 41-1009 through 1013.

Your third and most unlikely choice would be to do nothing and close your business at the end of the 20 days.

There is another avenue that can be taken in the enforcement process that is used only in the most serious cases of immediate health hazard. This process is called an **immediate suspension**. If a serious or imminent health hazard

such as overflowing sewage or an extensive power outage exist, the environmental health specialist may ask you to close your business at once and take immediate action to correct or eliminate the health hazard. As soon as the health hazard is eliminated, the permit is re-instated and you can re-open your business.



The permit holder may also request a hearing to vacate the suspension order. Such a hearing will be held within five days of the request.

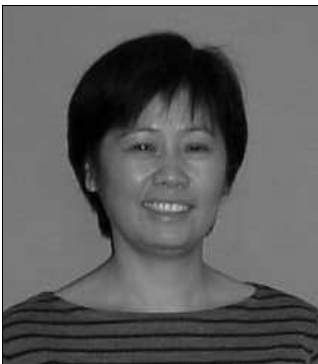
In no event will a suspension remain in effect for more than 25 days. If violations are not corrected or if a hearing is not requested within 25 days the

operating permit will be revoked.

My advice to all food service operators is to heed that first warning, as it is the beginning of the most serious enforcement action. We stress to our inspectors, and it is our most sincere belief, that we are here as a resource for you. If you are having a problem getting a critical item under control, ask your inspector for help.

We now offer training inspections for the sole purpose of educating and finding solutions to potential problems in a non-regulatory meeting. Our environmental health specialists have access to a wealth of knowledge and experience that can be useful to you. Let's face it, it is more fun to work together than to take an adversarial approach to food safety.

## Meet Our Chinese Liaison



Hello, My name is Li Hwang. I am the Chinese Liaison with the Environmental Health Division.

My primary duties are to help restaurant workers and supervisors communicate with their inspector, fully understand the food code, and to teach food handler classes in Chinese (if your restaurant can gather enough people for a class).

It is often difficult to communicate fully when your primary language is not English. In politeness, we tend to nod our heads and reply "Yes" or "OK" when we are actually guessing what the inspector is trying to tell us. Therefore, miscommunication can occur.

I am available by appointment to come to your restaurant and help train your staff or to clarify food code questions that you have. If you feel you need clarification when your inspector visits your restaurant, please let your inspector know you need translation.

My phone number is 602-506-7013. Please don't hesitate to call me for an appointment or with any questions.

## Who and What is a PIC?



*By Adam  
Kramer, R.S.  
QA/QC and  
Chain Food Co-  
ordinator*

A person in charge (PIC) is someone who is

left in charge of a food establishment. This may be the owner, manager, or a delegate in their absence. The PIC does not have to be the certified manager, but has to be knowledgeable about the activities that are occurring in the establishment. The food code requires some duties of the PIC. These include assuring that:

- Operations are not conducted in a private home or sleeping quarters;
- People unnecessary to the food op-

eration are not allowed in the food handling or warewashing areas;

- Employees, and delivery/ maintenance people comply with the appropriate sections of the code;
- Employees are effectively washing their hands;
- Employees are receiving food that is unadulterated and at proper temperatures;
- Employees are properly cooking food to the required temperatures;
- Thermometers are accurately calibrated;
- Employees are rapidly cooling food when necessary;
- Consumers are properly advised about eating raw or undercooked food items;
- Employees are properly cleaning and sanitizing equipment and utensils;
- Consumers are notified to use clean

tableware when revisiting a buffet;

- Employees are preventing cross contamination of ready to eat foods with bare hands;
- Employees are reporting illness;
- Employees are properly trained in food safety as it applies to their duties.

By meeting these duties, the PIC allows food to be prepared in a safe environment and provides another barrier to foodborne illness. One of the most important duties is to ensure that employees are trained in food safety as it pertains to their job. This may include knowing cooking temperatures, cross contamination principles, and when and how to wash their hands. The food service worker test exposes them to these ideas, but it is up to you as the PIC to make sure that they are implemented.

## Public Information Workshops

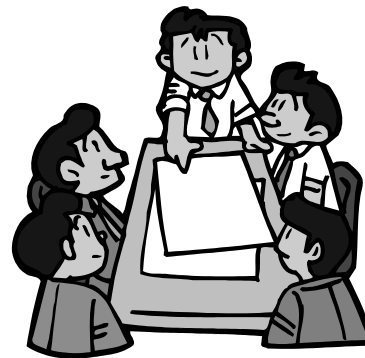
### **Maricopa County Environmental Health Code Chapter 7 Revisions**

***Topic: Proposed Changes to Certified Food Service  
Manager Renewal Requirements***

***(Modifying Licensing from Three to Five Years)***

**August 28th—  
Wednesday,  
9:00 am to 11:00 am,  
1001 N. Central Ave.,  
5th Floor Classroom**

**August 29th—  
Thursday,  
2:00 pm to 4:00 pm,  
1001 N. Central Ave.,  
5th Floor Classroom**



**Open to All Interested Individuals**

**No Reservations are Needed**

***Call 602-506-6973 for more information***

Maricopa County  
Environmental Services  
Department

1001 North Central Avenue, Suite 300  
Phoenix, Arizona 85004

Mailing Address Line 1  
Mailing Address Line 2  
Mailing Address Line 3  
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Visit us on the web at  
[www.maricopa.gov/envsvc](http://www.maricopa.gov/envsvc)



## ***A Maricopa County Environmental Health Publication***

### **Plan Review Information**

*By Mike Miller, R.S.  
Environmental Health Lead Specialist*

If you are preparing to relocate your food establishment to another location, or are opening another establishment, here is some information you should know.

If the location you are moving to is an existing and permitted food establishment, or has been one in the recent past, you will need to contact the Environmental Health Regional Office for that area. Tell the office you are a new owner of an existing food establishment, and you need an inspector to meet with you to give you an evaluation of the new location. Depending on the condition of the establishment, you may be given a new permit and allowed to begin food preparation immediately, or, you will be given a list of violations that must be corrected prior to being issued a permit. If the establishment is in poor or outdated condi-

tion, or you intend to make changes to the kitchen or plumbing, you will be asked to submit plans to our plan review program for review. It may be for a minor remodel or major remodel, and a fee will be charged for the service. If plans are necessary, a plan review inspector will provide you service until you open. After you open, the district inspector will perform routine inspections thereafter.

If the location you are going to is bare ground, or a building that has not previously been a permitted food establishment, you will first need to submit plans to our plan review program, and obtain approval to construct. Information regarding plan review is available on our website: [www.maricopa.gov/envsvc/envhlth/planrev.asp](http://www.maricopa.gov/envsvc/envhlth/planrev.asp)

If you have any questions regarding Plan review, please contact our office at 602-506-6980.

### **Food Service Worker Testing Information**

- The fee is \$12.00 cash, no credit cards or checks. Please have exact change.
- Food service worker licenses and renewals are obtained by reading a booklet and taking a test. Booklets are available for study at the test locations before taking the test or on our website at <http://www.maricopa.gov/envsvc/fdwkr.asp>.
- Testing is conducted at four locations Monday through Friday from 8:00am to 11:30am and from 1:00pm to 4:00pm. No testing is done on holidays. Offices are least busy in the mornings.
- For additional information and office locations, please call 602-506-2960.